

Congress of the United States
Washington, DC 20515

August 22, 2018

The Honorable Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington DC 20004

Re: Revocation of Security Clearances

Dear Mr. President:

On Wednesday, August 15, 2018, you released a statement dated July 26, 2018, announcing that you had made the decision to revoke the security clearance of former Director of Central Intelligence, John Brennan, and was contemplating taking similar action against the following former senior national security officials who held presidential appointments: James Clapper, James Comey, Michael Hayden, Sally Yates, and Susan Rice. You further stated that you also had under consideration the revocation of security clearances of the following current or former *career civil-service federal employees*: Andrew McCabe and Peter Strzok of the Federal Bureau of Investigation and Lisa Page and Bruce Ohr of the Department of Justice.

There was no assertion or indication that former CIA Director Brennan, or any of the other named individuals, has ever compromised or disclosed classified information. Indeed, the common thread that ties together these former national security and law enforcement officials who each provided distinguished service to our nation appears to be their role in bringing to your attention and that of the American people the undisputable fact that agents and entities allied with the Russian Federation conspired to defraud the people of the United States by interfering in the 2016 presidential election.

We, the undersigned Members of Congress, are writing to express our strong opposition to the actions you have taken and are contemplating and urge you strongly to cease and desist immediately this dangerous politicization of the security clearance process to punish perceived political enemies and to follow the rule of law. We urge you to heed the counsel of now more than 175 former national security officials who have stated that “[d]ecisions on security clearances should be based on national security concerns and not political views.” See *Statements From Former National Security Officials Regarding the Removal of Security Clearances* (August 16, 18 and 20, 2018) (*emphasis added*).

There is a legal and administrative process to be followed regarding the denial or revocation of a security clearance issued by a federal agency, a process that affords the

person involved due process of law consistent with constitutional requirements. See *Executive Order 10865 (February 20, 1960)*. Section 3 of that Executive Order, issued by President Dwight D. Eisenhower during the height of the Cold War and still operative today, provides, *inter alia*, that “an authorization for access to a specific classification category may not be finally denied or revoked by the head of a department or his designee” unless the applicant has been given the following :

- (1) A written statement of the reasons why his access authorization may be denied or revoked, which shall be as comprehensive and detailed as the national security permits.
- (2) A reasonable opportunity to reply in writing under oath or affirmation to the statement of reasons.
- (3) After he has filed under oath or affirmation a written reply to the statement of reasons, the form and sufficiency of which may be prescribed by regulations issued by the head of the department concerned, an opportunity to appear personally before the head of the department concerned or his designee, including, but not limited to, those officials named in section 8 of this order, for the purpose of supporting his eligibility for access authorization and to present evidence on his behalf.
- (4) A reasonable time to prepare for that appearance.
- (5) An opportunity to be represented by counsel.
- (6) An opportunity to cross-examine persons either orally or through written interrogatories in accordance with section 4 on matters not relating to the characterization in the statement of reasons of any organization or individual other than the applicant.
- (7) A written notice of the final decision in his case which, if adverse, shall specify whether the head of the department or his designee, including, but not limited to, those officials named in section 8 of this order, found for or against him with respect to each allegation in the statement of reasons.

Executive Order 10865, §3 (February 20, 1960).

It is important to note that the procedures prescribed in Executive Order 10865 issued by the President who had previously served as the Supreme Commander of the Allied Forces that defeated the Axis powers and won World War II reflect and accommodate two very important national values and imperatives: (1) the critical need to “assure the preservation of the integrity of classified defense information and to protect the national interest”; and (2) the fundamental value in a democracy of providing due process before the government can deprive a person of life, liberty, or property interest. It is fidelity to this constitutional principle of ordered liberty that continues to separate our nation’s form of government against that of our adversaries, notably the Russian Federation.

As the world’s oldest democracy, we must be diligent and vigilant in opposing any action that undermines the pillar of democracy that is procedural due process. With presidents like Abraham Lincoln, John F.

Kennedy and Barack Obama in our past, we maintain the respect and dignity of the Oval Office.

Thank you for your consideration of this request.

Sincerely,



Sheila Jackson Lee
MEMBER OF CONGRESS



Henry C. "Hank" Johnson
MEMBER OF CONGRESS



Steve Cohen
MEMBER OF CONGRESS